

To: Bacalan, Vince[Bacalan.Vince@epa.gov]
From: Smith, Bernice
Sent: Wed 2/22/2017 9:37:59 PM
Subject: RE: Talking points

Hi Vince. Thanks again for drafting bullets on the SMBNEP. Please review and provide edits as appropriate.

Update on Santa Monica Bay NEP

2015 Lawsuit Outcome

- In 2016, Walter Lamb, President of the Ballona Wetlands Land Trust prevailed in his lawsuit against the Santa Monica Bay Restoration Commission.

- The Los Angeles Superior Court found the Commission to be in violation of the California Public Record Act and required the Commission to produce numerous records, pursuant to state transparency laws.

- Mr. Lamb is also a member of the Watershed Advisory Council, a stakeholder body of the Santa Monica Bay NEP Management Conference; in addition, he actively participates in Governing Board meetings.

Recent events

- A second lawsuit was filed by Walter in late 2016 alleging misuse of public funds relating to use of office space by The Bay Foundation staff. This case is still active and a trial date has been set for August 31, 2017.

- To address the continuous complaints raised by Walter Lamb, R9 is providing guidance to the Management Conference to: elaborate on the roles of the Santa Monica Bay Restoration Commission and The Bay Foundation and to discuss options for clarifying the governance structure moving forward.

Background

- Tom Ford serves as the Santa Monica NEP Executive Director.
- The two chief entities which compose the Santa Monica Bay NEP are Santa Monica Bay Restoration Commission and The Bay Foundation.
- The Commission provides state staff and administrative support to the NEP and facilitates state funding of the Comprehensive Conservation and Management Plan (CCMP) implementation.
- The Bay Foundation, founded in 1991 has been the grant recipient for 320 funds since the early 2000's.

Bernice

Bernice L. Smith, Ph.D.

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From: Bacalan, Vince

Sent: Wednesday, February 22, 2017 12:23 PM

To: Smith, Bernicel <Smith.Bernicel@epa.gov>

Subject: RE: Talking points

Minor correction to your edits below. I'm still going through my notes and available documents about findings. It turns out there is still uncertainty as to which party actually 'won' that case, based on the memo outlining updates about the current litigation.

If I find anything, I will follow-through.

From: Smith, Bernicel
Sent: Wednesday, February 22, 2017 12:09 PM
To: Bacalan, Vince <Bacalan.Vince@epa.gov>
Subject: Talking points

Hi Vince, thanks for the bullets, here are my edits. I will work on the 2nd bullet about the overlap between Board members.

Update on Santa Monica NEP

History

- ~~□□□□□□□□ Santa Monica Bay~~ Ballona Wetlands Land Trust (represented by Walter Lamb) filed a lawsuit in 2015 against the Santa Monica Bay NEP. The lawsuit focused on the governance structure [particularly the relationship between Santa Monica Bay Restoration Commission (SMBRC, 'Commission') and The Bay Foundation (TBF)] and level of transparency between these two entities.

- □□□□□□□□ What was the finding?

Recent events

- □□□□□□□□ A second lawsuit was filed by Walter in late 2016 alleging misuse of public funds relating to use of office space by TBF staff. This case is still active and a trial date has been set for August 31, 2017.

- □□□□□□□□ R9 is providing guidance to the Management Conference to: elaborate on the roles

of each entity, discuss options for clarifying the governance structure moving forward.

Bernice L. Smith, Ph.D.

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